

Public Space Protection Orders Frequently Asked Questions

What is a Public Space Protection Order?

Public Place Protection Orders (PSPO) are orders made by the local authority under powers which were given to them under the Anti-social Behaviour, Crime and Policing Act 2014.

These powers make it possible for Local Authorities to deal with a particular nuisance or problem which is detrimental to the local community's quality of life by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour (ASB).

The Council is consulting on proposals to implement a PSPO which will provide a continuation of city-wide discretionary powers held by the Police to request the surrender of alcohol where ASB is occurring or is likely to occur as a result of alcohol consumption. There is also an opportunity to include additional prohibitions on street drinking within designated locations.

Is this a ban on drinking alcohol in public areas?

Proposals could include introducing a street drinking ban for St Peter's and Park wards, to include the city centre. For these localities, consuming alcohol in a public place would not be permitted.

These prohibitions would not affect legitimate trading activity of licenced premises. Consequently, land within the curtilage of licenced premises certified to serve alcohol. E.g. a pub beer garden or paved seating area would not be affected.

There are also options to waiver these prohibitions to support organised events, so the order would not apply to events covered by a temporary event notice. This could be an outdoor Christmas Fete where mulled wine is sold for example.

For designated areas which have an outright street drinking ban imposed, drinking alcohol in a public place would not be permitted. As explained above, this would not apply to drinking within the curtilage of licenced premises or in circumstances which have been covered by a temporary event notice.

Why have these area been selected?

Police already have discretionary powers to require that a person ceases drinking and surrenders alcohol where ASB is occurring or it likely to occur as a result of their alcohol consumption. This has been in place since the introduction of a city wide Designated Public Place order (DPPO) in April 2013.

Data collected since April 2014 and ASB reports by residents and businesses within St Peters and Park wards and in the city centre indicate that more robust measures are needed to respond to concerns highlighted in these areas.

How will Police use their discretion on applying this power?

The PSPO gives Police the authority to request that a person ceases drinking and surrenders alcohol upon request where they are causing ASB or are likely to cause ASB as a consequence of their alcohol consumption. This discretionary power would apply to all areas within the Wolverhampton Local Authority boundary.

For areas which have an imposed outright street drinking ban, alcohol consumption would not be permitted in any public place unless within the curtilage of a licenced premises or in circumstances covered by a temporary event notice.

What can the Police do?

The Police would have the power to request that a person drinking alcohol anywhere within the Wolverhampton Local Authority boundary stops drinking, or ask the person to surrender all alcohol, sealed or not within their possession if they reasonably believe the individual or group are causing or likely to cause ASB or disorder.

In areas where there is an outright street drinking ban, the Police have the power to confiscate all alcohol when street drinking is occurring. Where these prohibitions are breached officers authorised by the council can issue a fixed penalty notice of £80.00.

Am I breaking the law if I drink in a designated area?

If prohibitions are introduced to impose a street drinking ban in St Peter's and Park wards including the city centre it would be an offence to drink alcohol in a public area within these localities. Drinking alcohol in a public place in other areas of the city would be permitted as long as this does not cause, or is likely to cause anti-social behaviour.

Appendix B

What can I do if I witness someone drinking in a designated area or causing alcohol related anti-social behaviour?

Do not call 999 unless a person's behaviour poses a threat to life, where there is on-going violence or if a crime has been committed and the offenders are still at or near the scene.

If you witness and are concerned about anti-social drinking you can report it by emailing your local Neighbourhood Policing Team or by calling the non-emergency telephone number 101. Alternatively, you could keep a diary of the incidents and speak to your local neighbourhood Police Officer.

When will this be implemented in Wolverhampton?

If the terms of this proposed PSPO are approved, the order would come into effect in April 2017.

To complete the survey please follow the link below:

<https://www.surveymonkey.co.uk/r/CH7LGTG>